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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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J. Patrick Thompson

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EXAMINER

LY, CHEYNE D

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

08/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Applicants' arguments filed March 27, 2008 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
2. Claims 1, 3-18, 33, 34, 39-51, 53-59, 62-68, 70-76, and 79-84 are examined on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-18, 33, 34, 39-51, 53-59, 62-68, 70-76, and 79-84 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. NEW MATTER.

5. It is noted that the instant specification does not provide written support basis for the new limitation of "instructions for an operating system, the operating system configured to effectuate a user mode and a kernel mode, the operating system comprising a file system integrated with a database management program, the operating system configured to store,

while in kernel mode, data in the file system as file streams, and generate, while in kernel mode, Items associated with the file streams in the database management program.”

6. Further, the instant specification generically discloses "kernel mode" (PGPUB 20050055380, paragraphs [0285], [0288], and [0299]), however, the instant specification does not explicitly specify the a file system being integrated with a database management program and the instructions are performed either in "user mode" or "kernel mode."

7. The same issue is present in independent claims 1, 51, and 68. Claims 3-18, 33, 34, 39-50, 53-59, 62-67, 70-76, and 79-84 are rejected for being dependent from claim 1, 51, or 68.

CONCLUSION

8. The prior art made of record on PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2168

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/

Primary Examiner, Art Unit 2168